

RIGHT TO UNION REPRESENTATION

Under Article 31, Subsection b(3) of the Collective Bargaining Agreement between the National Border Patrol Council and the Immigration and Naturalization Service, you are provided with the following:

The Civil Service Reform Act give employees in units represented by an exclusive labor organization the right to have a union representative present at a meeting which involves an examination by a representative of the agency in connection with an investigation if the employee believes the examination may result in disciplinary action.

Section 7114(a)2) of the Civil Service Reform Act of 1978 states:

(2) An exclusive representation of an appropriate unit in an agency shall be given the opportunity to be represented at:

B.) any examination of an employee in the unit by a representative of the agency in connection with an investigation if

1.) if the employee reasonably believes that the examination may result in disciplinary action against the employee and

2.) the employee requests representation.

(b) (6), (b) (7)(C)

Border Patrol Agent
McAllen, Texas
06/19/2018

(b) (6), (b) (7)(C)

Supervisory Border Patrol Agent
McAllen, Texas
06/19/2018

(b) (7)(E)



**U.S. Customs and
Border Protection**

June 19, 2018

MEMORANDUM FOR:

(b) (6), (b) (7)(C)

Chief Patrol Agent
Rio Grande Valley Sector

FROM:

(b) (6), (b) (7)(C)

Border Patrol Agent
McAllen Station

SUBJECT:

May 12, 2018

On May 12, 2018, I was assigned to the Centralized Processing Center (CPC) as a file processor working a Swing shift (1400-2400hrs). I did not interact with the subject that committed suicide at another facility that day and was unaware of the incident until a few days later.

RIGHT TO UNION REPRESENTATION

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- 1.) if the employee reasonably believes that the examination may result in disciplinary action against the employee and,
- 2.) the employee requests representation.

(b) (6), (b) (7)(C)

Border Patrol Agent
McAllen, Texas
06/19/18 2230 hrs

(b) (6), (b) (7)(C)

Watch Commander
McAllen, Texas
06/19/18 2230 hrs

Place : McAllen Border Patrol Station

(b) (7)(E)



**U.S. Customs and
Border Protection**

May 18, 2018

MEMORANDUM FOR:

(b) (6), (b) (7)(C)

Chief Patrol Agent
Rio Grande Valley Sector

FROM:

(b) (6), (b) (7)(C)(b) (6), (b) (7)(C)

for Deputy Patrol Agent in Charge
Rio Grande Valley Sector Centralized Processing Center

SUBJECT:

Disruptive Subject
Re: Marco Antonio Munoz (A215-710-327)

Forwarded for your review are memoranda from Supervisory Border Patrol Agent (SBPA) (b) (6), (b) (7)(C) and all involved Border Patrol Agents (BPAs) regarding a disruptive subject, Mario Antonio MUNOZ (A215-710-327).

On Saturday, May 12, 2018, MUNOZ was in Border Patrol custody at the Rio Grande Valley Sector Centralized Processing Center (CPC) as part of a family unit with his wife and child. While at the CPC, MUNOZ was consistently disruptive, failed to follow directives given by BPAs and SBPAs alike and was transferred out of Border Patrol custody to the Starr County Jail as a consequence of his being charged under 8 USC 1325 in accordance with the Zero Tolerance directive. He was scheduled to appear in court on Monday May 14. On Sunday May 13, 2018, we were notified by Starr County Jail that MUNOZ was found deceased in his cell. The apparent cause of death was suicide. The exact cause of death is still under investigation.

All required notifications were made, to include the Rio Grande Valley Operations Center (OPCEN) and SIR (b) (7)(E) was generated.

(b) (7)(E)



**U.S. Customs and
Border Protection**

May 18, 2018

MEMORANDUM FOR:

(b) (6), (b) (7)(C)

Chief Patrol Agent
Rio Grande Valley Sector

FROM:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Supervisory Border Patrol Agent
Rio Grande Valley Sector Centralized Processing Center

SUBJECT:

Disruptive Subject
Re: Marco Antonio Munoz (A215-710-327)

On Saturday, May 12, 2018, a detainee (Marco Antonio MUNOZ, A215 710 327) at the Rio Grande Valley Sector Centralized Processing Center (CPC) was exhibiting disruptive behavior throughout the day. MUNOZ was apprehended as part of a family unit with his wife and child, but had been separated from them due to the Zero Tolerance directive from the US Attorney General's office. MUNOZ was scheduled to appear in court on Monday, May 14, 2018, for prosecution under 8 USC 1325, Illegal Entry.

On various occasions throughout Saturday, May 12, 2018, MUNOZ became agitated, demanding to see his wife and child, and had to be calmed down by Border Patrol Agents (BPAs) and Supervisory Border Patrol Agents (SBPAs) assigned to the CPC. At one point, as BPA (b) (6), (b) (7)(C) (b)(6);(b)(7)(C) allowed janitorial personnel access to the cell that MUNOZ was in, MUNOZ became verbally abusive toward BPA (b)(6);(b)(7)(C). Later on, BPA (b)(6);(b)(7)(C) noticed that MUNOZ had somehow exited the cell without permission. Whether MUNOZ stopped the door from closing completely on one of the occasions when other detainees were deposited into the cell or taken from it, or he used some other method to open the cell door is unknown.

When it came time to process MUNOZ, he was non-compliant and would not give any information to, or answer any questions from BPA (b) (6), (b) (7)(C). After BPA (b) (6), (b) (7)(C) realized that he was not making any progress and that further attempts would need to be made after MUNOZ became compliant, MUNOZ was returned to his cell. After his non-compliance with the processing agent, MUNOZ further exacerbated the situation by kicking the door to his cell, possibly in another attempt to exit the cell. At that point, BPA (b) (6), (b) (7)(C) approached the cell and ordered MUNOZ to exit with his hands behind his back. At that point, MUNOZ became actively resistant and began to struggle with BPA (b) (6), (b) (7)(C) as other agents responded to place MUNOZ under control. Once subdued by the agents, MUNOZ was then strapped to a restraint chair and placed in a cell on his own.

Due to the aforementioned events, and the fact that MUNOZ would have to remain in Border Patrol Custody for another day and a half before his court appearance, arrangements were made

Disruptive Subject

Re: Marco Antonio MUNOZ (A215-710-327)

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to house MUNOZ at the Starr County Jail until Monday. Prior to leaving the CPC, MUNOZ requested to visit with his wife and child and his request was granted. MUNOZ was then handcuffed and placed in leg shackles to include a belly chain prior to being loaded into a marked Border Patrol pickup truck for transport to the Starr County Jail. MUNOZ was escorted by BPA (b) (6), (b) (7)(C) and BPA (b) (6), (b) (7)(C). A short time into the trip, MUNOZ began yelling "You killed my Family" and screamed that the agents were going to kill him also. In his hysteria, he laid down on his back and began to kick violently at the caged frame of the door over the passenger side window.

When BPAs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) heard the commotion and realized that MUNOZ was attempting to escape, they called for assistance via service radio and found a safe place to stop the vehicle and attempt to bring MUNOZ under control. At the time that the vehicle stopped, and prior to any law enforcement response to their call for assistance, two civilian motorists stopped and one offered assistance in the struggle to bring MUNOZ into a semblance of acceptable behavior. Prior to any Border Patrol unit arriving on scene, Officers from the Mission Police Department arrived and offered assistance. When MUNOZ saw the police officers, he began to plead his case with them and said in Spanish that the agents had killed his family and that they were going to kill him.

At some point during the incident, Mission Police Sergeant (b) (6), (b) (7)(C) was able to calm MUNOZ down to the extent that the agents were able to return to the CPC with MUNOZ with other Border Patrol units as escorts, in case another episode ensued. Upon arrival at the CPC, MUNOZ was transferred to a marked Border Patrol sedan, which was utilized in an effort to limit the operating space and the amount of leverage that could be exerted by MUNOZ if he again attempted to escape. For the second trip to the Starr County Jail, one two-agent unit consisting of BPA (b) (6), (b) (7)(C) and BPA (b) (6), (b) (7)(C) transported MUNOZ, and another two-agent unit of BPA (b) (6), (b) (7)(C) and BPA (b) (6); (b) (7)(C) were trailing them as support. During this second trip, only a brief incident occurred as MUNOZ attempted to unbuckle his seatbelt, but he was verbally calmed by the agents and the rest of the trip was uneventful.

Once they arrived at the Starr County Jail, MUNOZ was removed from the sedan without incident and began the intake process at the jail in a calm and subdued manner. No other outbreak by MUNOZ was witnessed by any of the agents that escorted MUNOZ to the Starr County Jail.

On Sunday, May 13, 2018, at approximately 11:30 a.m., a member of management from the Rio Grande City Border Patrol Station informed CPC supervisors that MUNOZ had been found deceased by staff at the Starr County Jail. Preliminary indications were that MUNOZ had taken his own life, but the exact cause of death is yet to be determined.

All required notifications were made, to include the Rio Grande Valley Operations Center (OPCEN) where SIR (b) (7)(E) was generated.

(b) (7)(E)



**U.S. Customs and
Border Protection**

May 24, 2018

MEMORANDUM FOR:

(b) (6), (b) (7)(C)

Chief Patrol Agent
Rio Grande Valley Sector

FROM:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Supervisory Border Patrol Agent
McAllen Station

SUBJECT:

Disruptive Subject

RE: MUNOZ, Marco Antonio (A#215 710 327)

I, (b) (6), (b) (7)(C) am a Supervisory Border Patrol Agent (SBPA) assigned to the McAllen, Texas Border Patrol Station. On May 12, 2018, I was the SBPA assigned to the Mission, Texas (b) (7)(E) area.

At approximately 7:20 p.m., I overheard, via the service radio, a Border Patrol Agent (BPA) request immediate assistance from any available unit that was near the Inspiration Road and Expressway 83 area in Mission, Texas. I immediately relayed that I was heading that way and inquired if there was a unit closer to the location. I then heard BPA (b) (6), (b) (7)(C) state that he was close and would also be responding to the location. I then tried to get clarification from the BPA requesting assistance as to the nature of the request, but was unable to make radio contact with him. A short time later, I met BPA (b) (6), (b) (7)(C) on Inspiration Road just north of Expressway 83 and he advised me that he could not locate the BPA needing assistance. BPA (b) (6), (b) (7)(C) and I then drove south and noticed several Mission Police Department Units and a single Border Patrol Unit parked at the Stripes Convenience Store located on the northeast corner of Inspiration Road and Expressway 83.

I exited my unit and approached two (2) BPAs, later identified as BPA (b) (6), (b) (7)(C) and BPA (b) (6), (b) (7)(C). BPA (b) (6), (b) (7)(C) advised me that they were detailed to the Rio Grande Valley Centralized Processing Center (RGV CPC) and had been instructed by Acting Watch Commander (A)WC (b) (6), (b) (7)(C) to transport a subject identified as MUNOZ, Marco Antonio (A#215 710 327) to the Starr County Jail. BPA (b) (6), (b) (7)(C) stated that the subject had been very disruptive while at the RGV CPC. BPA (b) (6), (b) (7)(C) further stated that the subject was violently kicking the inside of the unit as they drove west on Expressway 83 and he was concerned that the subject would wind up hurting himself or kicking the cage and window and possibly jumping out of the unit. BPA (b) (6), (b) (7)(C) stated that he immediately exited the Expressway, requested assistance and parked at the store.

I ascertained that there were no injuries to the BPAs or the subject and immediately contacted (A)WC (b) (6), (b) (7)(C) and advised her of the event. (A)WC (b) (6), (b) (7)(C) asked me if I could escort

Disruptive Subject

RE: MUNOZ, Marco Antonio (A#215 710 327)

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the BPAs back to RGV CPC and that she would then assign additional units to assist in transporting the subject to the Starr County Jail.

I then instructed the BPAs to return to RGV CPC and make contact with (A)WC (b) (6), (b) (7)(C). I also advised them that BPA (b) (6), (b) (7)(C) and I would escort them back to RGV CPC for officer safety and for the safety of the detainee. I then contacted swing shift (A)WC (b) (6), (b) (7)(C) (assigned to the McAllen Border Patrol Station) and advised him of the incident.

When we were directly in front of RGV CPC, I was called to different traffic and I called BPA (b) (6), (b) (7)(C) to inform him that I was going to respond to the separate traffic and for him to make sure the BPAs would enter the Sally Port area safely before he could resume his scheduled work status. I then called (A)WC (b) (6), (b) (7)(C) and advised her that the BPAs were about to enter the facility and that I was going to respond to separate traffic and resume my normal duties. (A)WC (b) (6), (b) (7)(C) thanked me and advised that RGV CPC would be handling all notifications. After I ended the call, I called (A)WC (b) (6), (b) (7)(C) and advised him that the BPAs and subjects were at RGV CPC and that, as per (A)WC (b) (6), (b) (7)(C) RGV CPC would be making all notifications.

On May 24, 2018, I was assigned to the RGV CPC and was told by Special Operations Supervisor (SOS) (b) (6), (b) (7)(C) and Acting SOS (b) (6), (b) (7)(C) that the subject had committed suicide later that day (May 12, 2018) while at the Starr County Jail. I was also informed that I needed to generate a memorandum to document my encounter with the BPAs and subject. I was unaware that the subject was suicidal or that he had committed suicide until being informed by SOS (b) (6), (b) (7)(C) and (A)SOS (b) (6), (b) (7)(C).

(b) (7)(E)



**U.S. Customs and
Border Protection**

May 18, 2018

MEMORANDUM FOR:

(b) (6), (b) (7)(C)

Chief Patrol Agent
Rio Grande Valley Sector

FROM:

(b) (6), (b) (7)(C)

Border Patrol Agent
Falfurrias Station

SUBJECT:

Disruptive Subject
Re: Marco Antonio MUNOZ (A215 710 327)

On Saturday May 12, 2018, I, Border Patrol Agent (b) (6), (b) (7)(C) was assigned Virtual Processing Team Lead duties at the Rio Grande Valley Centralized Processing Center in McAllen Texas. Upon arriving to my work station, I could hear a subject, later identified as MUNOZ, Marco Antonio (A#215 710 327) demanding to speak to any Border Patrol Agent. As I was getting ready to start my duties, other Border Patrol Agents informed me that MUNOZ had been disruptive throughout the day and that other Border Patrol Agents had already spoken with him about his request to see his family. Later, one of the custodians asked me to open the cell where MUNOZ was detained (cell 15) so that he could get the trash can out. I assisted the custodian and as I opened the cell, MUNOZ spoke to me in a very disrespectful manner and demanded to know about his wife and kid. I answered MUNOZ and told him that he should not be talking to us in a disrespectful manner and that I did not know anything about his case. At that point, another Border Patrol Agent called a Supervisory Border Patrol Agent to confront MUNOZ.

As the day progressed, MUNOZ kept raising his voice and demanding to see his wife and kid whom were placed as part of a Family Unit while MUNOZ was being processed and prosecuted as a single adult. At one point, MUNOZ made generalized threats against Border Patrol Agents if he did not get to see his wife and kid. Later, all of a sudden, MUNOZ walked out of his cell without anybody calling him out of the cell. It is unclear whether somebody accidentally left the cell open or if MUNOZ prevented the cell from closing previously, but I believed the fact that MUNOZ had walked out of his cell on his own was a major officer safety issue. MUNOZ was then asked to sit in front of a processing Agent to be processed, however, MUNOZ was placed back into the cell as he was noncompliant during his interview.

MUNOZ kept being disruptive and suddenly he started to aggressively kick the cell door. I believed MUNOZ was trying to open the cell again so I saw the need to restrain him. I then walked to the cell and instructed MUNOZ to place his hands behind his back and to walk out. As I was getting ready to handcuff MUNOZ, he walked away from me and ignored my verbal commands to place his hands behind his back. At this point, other Border Patrol Agents came to assist and MUNOZ was finally restrained. MUNOZ was then allowed to see his wife and kid, but kept being disruptive throughout the remainder of the day.

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Section 7114(a) (2) of the Civil Service Reform Act of 1978 states:

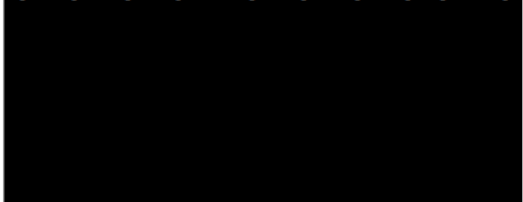
(2) An exclusive representation of an appropriate unit in an agency shall be given the opportunity to be represented at:

B.) any examination of an employee in the unit by a representative of the agency in connection with an Investigation if

1.) if the employee reasonably believes that the examination may result in disciplinary action against the employee and,


2.) the employee requests representation.

(b) (6), (b) (7)(C)



Border Patrol Agent
McAllen, Texas
05/18/18

(b) (6), (b) (7)(C)



Supervisory Border Patrol Agent
McAllen, Texas
05/18/18

(b) (7)(E)



**U.S. Customs and
Border Protection**

May 25, 2018

MEMORANDUM FOR:

(b) (6), (b) (7)(C)

Chief Patrol Agent
Rio Grande Valley Sector

FROM:

(b) (6), (b) (7)(C)

Border Patrol Agent
Rio Grande City Station

SUBJECT:

Disruptive Subject
RE: Marco Antonio MUNOZ (A#215 710 327)

On May 24, 2018, at approximately 7:00 p.m. at the U.S. Border Patrol Central Processing Center in McAllen, Texas, I was ordered to make this statement by Special Operations Supervisor (SOS) (b) (6), (b) (7)(C) and Supervisory Border Patrol Agent (SBPA) (b) (6), (b) (7)(C). I submit this statement at his order as a condition of employment. Border Patrol Agent (BPA) (b) (6), (b) (7)(C) witnessed me receive the order. In view of possible discipline for insubordination, I have no alternative but to abide by this order.

***It is my belief and understanding that the agency requires this statement solely and exclusively for internal purposes and will not release it to any other agency. It is also my understanding that this statement since compelled, will not and cannot be used against me in any criminal proceeding. I authorize the release of this statement to my attorney or designated union representative.**

***I may amend or correct any portion of this statement upon reflection to correct any unintended mistake without subjecting myself to a charge of untruthfulness.**

***For any and all purposes, I hereby reserve my constitutional right to remain silent under the fifth and fourteenth amendments to the United States Constitution and any other rights prescribed by law.**

***I specifically rely on the protection afforded to me under the doctrines set forth in Garrity v. New Jersey, 385 U.S. 493 (1967) and in Spevack v. Klien, 385 U.S. 511 (1967) in submitting this statement.**

On Saturday May 12, 2018, I, Border Patrol Agent (BPA) (b) (6), (b) (7)(C) arrived at the processing area at the Rio Grande Valley Centralized Processing Center (RGV CPC) to begin working my assigned duty hours from 2:00 p.m. to 12:00 a.m. (Swing Shift). While conducting my duties in my work station, I over heard a loud noise coming from the right side of my work station, closer to the Virtual Processing Team Leader's (VP TL) workstation. I saw BPA (b) (6), (b) (7)(C) get up

Disruptive Subject

Re: Marco Antonio MUNOZ (A#215-710-327)

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from his work station and approach Cell 15. BPA (b) (6), (b) (7)(C) then removed one subject from Cell 15 by the name of MUNOZ, Marco Antonio (A#215 710 327). As I approached, I heard BPA (b) (6), (b) (7)(C) order Munoz to place his hands behind his back, but Munoz reacted by bringing his hands up to his chest in a rapid motion and pulling away from the hand restraints BPA (b) (6), (b) (7)(C) was about to apply. Munoz then remained in the guarded position and stiffened up while clenching his fists. I immediately assisted BPA (b) (6), (b) (7)(C) by grabbing hold of Munoz' left arm and with the help of other BPAs we were able to assist Munoz to the ground using the least amount of force necessary to apply hand restraints. I applied the hand restraints, double locked and checked for tightness.

Acting Watch Commander (AWC) (b) (6), (b) (7)(C) and Medical Staff personnel were advised of the situation. Munoz remained on the floor in a prone position until he was transferred over to restraint chair and was properly secured. Then he was taken to the medical department for evaluation. I then returned to my work station and continued my work.

Moments later, I was reassigned by (AWC) (b) (6), (b) (7)(C) to transport Munoz, accompanied by BPA (b) (6), (b) (7)(C) to Starr County Jail in Rio Grande City, Texas. Munoz saw his wife and son before we left the RGV CPC. Munoz was placed in a five point restraint system which consists of hand cuffs, a belly chain that goes around his waist and through the chain of the handcuffs and shackles on his feet. Before we left the station, Munoz was secured with the vehicle seatbelt and was placed behind driver seat so that BPA (b) (6), (b) (7)(C) could keep a visual of Munoz during transport.

Munoz was cooperative in the vehicle but seemed very nervous and more anxious than anything else. During our travel, Munoz asked where we were taking him and if we were going to kill him like we had killed his wife and son. I responded that we were taking him to a more suitable place for his condition. Munoz then insisted on believing in the death of his family and that his death was near. At this point Munoz then laid on his back began kicking the rear passenger door window with both of his feet in a violent manner. Munoz struck the window metal frame several times and it seemed the entire window would soon give out, leaving an open area for Munoz to escape. As I looked for a safe place to bring the vehicle to a stop and better assess the situation, BPA (b) (6), (b) (7)(C) asked me to hurry due to the fact that the metal frame covering the window from the inside of the unit began to bend. I was able to safely exit the Expressway on Inspiration Road exit (North of U.S. Expressway 83) and parked on the right side lane on the frontage road going west bound. When the vehicle came to a stop I noticed Munoz had stop kicking the window but was laying on his back. I waited a few seconds outside by the door and ordered him to calm down and sit down correctly on his seat. Munoz then came back to a seated position and calmed down. I then opened the rear driver side door to assess the situation. As I was talking to Munoz he then attempted to leap out of the unit but the seat belt kept him partially inside the unit. I quickly grabbed hold of Munoz while BPA (b) (6), (b) (7)(C) tried to pull him back into the unit from the other side. Munoz started yelling that we were going to kill him like we had killed his family. A concerned citizen stopped by and asked if we needed assistance and BPA (b) (6), (b) (7)(C) told her to call the station. BPA (b) (6), (b) (7)(C) then used the unit service radio and called out for any available unit near Inspiration Road and U.S. Expressway 83 to assist us in securing Munoz back into the vehicle. A concerned citizen stopped and assisted me in holding on to Munoz while he

Disruptive Subject

Re: Marco Antonio MUNOZ (A#215-710-327)

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still violently persisted in getting out of the vehicle. Munoz attempted to remove the seat belt and was pulling on BPA (b) (6), (b) (7)(C) towards the rear driver side door. Munoz yelled at BPA (b) (6), (b) (7)(C) and stated the following: "Tu te vienes conmigo puto," which translates he was going to take him with him.

That's when Mission Police Department (MPD) arrived on scene and assisted us in controlling Munoz. Mission Police Sergeant (b) (6), (b) (7)(C) started to talk to Munoz and was able to calm him down and managed to secure the door without using any force. While BPA (b) (6), (b) (7)(C) and Sergeant (b) (6), (b) (7)(C) talked to Munoz, I advised via service radio that the situation was under control and I advised BPA (b) (6), (b) (7)(C) via text about the situation. I made contact with our dispatch via phone and gave them my phone number so that responding agents could contact me. At this time Munoz was already calm in the back of the unit. Once we were leaving the area Munoz began kicking the window again. I immediately advised Sergeant (b) (6), (b) (7)(C) about Munoz acting up again. Sergeant (b) (6), (b) (7)(C) directed me to drive to the Stripes convenience store located on the south side of U.S. Expressway 83 to get out of traffic. Sergeant (b) (6), (b) (7)(C) also stated he and other officers would escort us there.

Once at the Stripes convenience store, Supervisory Border Patrol Agent (SBPA) (b) (6), (b) (7)(C) arrived and I briefed him in detail about the situation involving Munoz. SBPA (b) (6), (b) (7)(C) instructed me to drive back to the RGV CPC and he would follow us there. Once at the RGV CPC, arrangements were made to transport Munoz to Starr County Jail with a second unit following us the whole way.

BPA (b) (6), (b) (7)(C) and I were transporting Munoz in a marked government sedan. BPA (b) (6), (b) (7)(C) and BPA (b) (6), (b) (7)(C) were in a marked government pickup truck. Both units left the RGV CPC and Munoz remained calm until we were approximately five minutes from the jail. Munoz began hitting something, causing a loud noise but we were not sure what he was hitting. I went ahead and called Starr County Jail and advised the dispatcher to contact their staff and advise them that Border Patrol agents were headed to their facility with a noncompliant subject. Once at the Starr County Jail sally port area, Munoz was escorted out of the vehicle by jail staff without any issues. Once in the jail, Munoz followed all the instructions given by jail staff without any issues. I briefed jail staff about Munoz' actions while in our custody at the RGV CPC and during our transport. I also stated he strongly believed his family (wife and child) were killed by Border Patrol Agents at the station. I also mentioned Munoz saw his family before being transported to the Starr County Jail.

At the Starr County Jail, Border Patrol Agents did not have any contact what so ever with Munoz. The proper documents were signed and faxed accordingly and all four agents went back to the RGV CPC without any incidents.

The next morning I received a phone call from SBPA (b) (6), (b) (7)(C) and he told me that Munoz had hung himself in his cell while in the custody of Starr County.

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(b) (6), (b) (7)(C)

Border Patrol Agent
McAllen, Texas
05/24/18

(b) (6), (b) (7)(C)

Supervisory Border Patrol Agent
McAllen, Texas
05/24/18

(b) (7)(E)



U.S. Customs and
Border Protection

May 24, 2018

MEMORANDUM FOR:

(b) (6), (b) (7)(C)

Chief Patrol Agent
Rio Grande Valley Sector

(b) (6), (b) (7)(C)

FROM:

(b) (6), (b) (7)(C)

Border Patrol Agent
Rio Grande City Station

SUBJECT:

Disruptive Subject

RE: Marco Antonio MUNOZ (A#215 710 327)

On May 24, 2018, at approximately 7:00 p.m. at the U.S. Border Patrol Central Processing Center in McAllen, Texas, I was ordered to make this statement by Special Operations Supervisor (SOS) (b) (6), (b) (7)(C) and Supervisory Border Patrol Agent (SBPA) (b) (6), (b) (7)(C). I submit this statement at his order as a condition of employment. Border Patrol Agent (BPA) Jorge Flores witnessed me receive the order. In view of possible discipline for insubordination, I have no alternative but to abide by this order.

**It is my belief and understanding that the agency requires this statement solely and exclusively for internal purposes and will not release it to any other agency. It is also my understanding that this statement since compelled, will not and cannot be used against me in any criminal proceeding. I authorize the release of this statement to my attorney or designated union representative.*

**I may amend or correct any portion of this statement upon reflection to correct any unintended mistake without subjecting myself to a charge of untruthfulness.*

**For any and all purposes, I hereby reserve my constitutional right to remain silent under the fifth and fourteenth amendments to the United States Constitution and any other rights prescribed by law.*

**I specifically rely on the protection afforded to me under the doctrines set forth in Garrity v. New Jersey, 385 U.S. 493 (1967) and in Spevack v. Klien, 385 U.S. 511 (1967) in submitting this statement.*

On Saturday, May 12, 2018, I, Border Patrol Agent (BPA) Alvaro A Guajardo-Martinez was assigned alien processing duties at the Rio Grande Valley Centralized Processing Center (RGV-CPC) for the evening shift, 2:00 p.m. to 12:00 a.m.. As I arrived at my workstation, I proceeded to perform my processing duties for the day. A few hours into my shift I heard a

Disruptive Subject

Re: Marco Antonio Munoz (A#215-710-327)

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commotion behind me. As I turned around I saw several Border Patrol Agents (BPA's) taking the necessary precautions to secure an actively resistant subject. I immediately stood up and made my way to the incident location to provide assistance. As I arrived, the subject was already secured on the ground. I assisted the Agents by placing my hand on the subject's head to better control him. After the subject was secured and placed in handcuffs by BPA (b) (6), (b) (7)(C) BPA (b) (6), (b) (7)(C) asked for someone to bring the restraining chair to properly secure and restrain the subject.

At approximately 7:00 p.m., I along with BPA (b) (6), (b) (7)(C) were reassigned by Acting Watch Commander (AWC) (b) (6), (b) (7)(C) to transport the male subject (identified as Marco Antonio MUNOZ, A# 215 710 327) to the Starr County Jail in Rio Grande City, Texas after camp space was denied by La Villa Detention Center due to capacity issues. Prior to transporting MUNOZ, BPA (b) (6), (b) (7)(C) asked me if I could bring MUNOZ's wife and son so he could see them before we took him to Starr County Jail. This was accomplished. Before we transported MUNOZ, he was restrained using handcuffs, waist belt, leg shackles, and secured in the back seat with a seatbelt inside our assigned service vehicle (b) (7)(E)

While transporting MUNOZ he asked in Spanish where we were going and why we were separating him from his family. BPA (b) (6), (b) (7)(C) responded stating that we were going to take him to a more secure place. MUNOZ then started saying in Spanish "You killed my family" and that we were going to kill him too. He then made several attempts to undo his seatbelt and managed to kick the rear passenger door in an aggressive manner several times. Munoz ignored repeated verbal commands to stop his actions by BPA (b) (6), (b) (7)(C) and myself. We then exited the U.S. Highway 83 to again address his actions. As we safely pulled over on Inspiration Rd. in Mission, Texas the subject seemed to calm down. BPA (b) (6), (b) (7)(C) exited our assigned service unit and proceeded to open the rear driver door to check on the subject. Upon BPA (b) (6), (b) (7)(C) opening the rear driver door, MUNOZ tried to exit our service vehicle and escape. I immediately exited the unit and opened the rear passenger door to prevent MUNOZ from exiting. I first tried via handheld service radio to call for assistance to no avail. While we were attempting to secure MUNOZ inside a bystander was passing by and offered assistance. We asked the bystander to call the station to let them know what was going on. After a couple of minutes of interaction with the subject and once again securing him, I exited the back of the unit. Another bystander stopped and assisted BPA (b) (6), (b) (7)(C) in holding MUNOZ. I then went to the front passenger side of the service unit to relay our situation via service radio and to ask for assistance. After I called for assistance I went back to help BPA (b) (6), (b) (7)(C). Shortly thereafter, Mission Police Officers from the Mission Police Department (MPD) arrived on scene to provide assistance in controlling MUNOZ. After officers arrived MUNOZ asked for help and told the Officers in Spanish "They were going to kill me just like they killed my wife and son". Sergeant (b) (6), (b) (7)(C) from Mission PD and myself talked to the subject and were able to calm him down and re-secure MUNOZ without any force. While I and Sergeant (b) (6), (b) (7)(C) talked to MUNOZ, BPA (b) (6), (b) (7)(C) advised via service radio that the situation was under control and that Mission PD was on scene. Shortly thereafter, Mission PD Sergeant (b) (6), (b) (7)(C) asked us to move to the gas station parking lot nearby. Once we were departing the area MUNOZ started to actively striking the door once again. BPA (b) (6), (b) (7)(C) contacted Sergeant (b) (6), (b) (7)(C) and advise him MUNOZ was striking the door again. Sergeant (b) (6), (b) (7)(C) stated that he and other officers would escort us to the gas station. Upon arriving at

Disruptive Subject

Re: Marco Antonio Munoz (A#215-710-327)

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the gas station, we made contact with Supervisory Border Patrol Agent (SBPA) (b) (6), (b) (7)(C) from the McAllen Border Patrol Station to brief him regarding the incident. SBPA (b) (6), (b) (7)(C) then called Acting Watch Commander (AWC) (b) (6), (b) (7)(C). After doing so, SBPA (b) (6), (b) (7)(C) was then given instructions by AWC (b) (6), (b) (7)(C) instructing us to return to the RGV CPC. We were escorted back to the RGV CPC by SBPA (b) (6), (b) (7)(C) and BPA (b) (6), (b) (7)(C).

Due to the damage caused by Munoz, there was a swap of service vehicle from (b) (7)(E) to a marked government sedan. From the RGV CPC, BPA (b) (6), (b) (7)(C) and BPA (b) (6), (b) (7)(C) transported MUNOZ to Starr County Jail. I and BPA (b) (6), (b) (7)(C) escorted them in a marked government pickup truck. After arriving at the Starr County Jail, BPA (b) (6), (b) (7)(C) gave an in-depth brief to Starr County Deputies and Jailers to make them aware of MUNOZ's behavior.

The next day, May 13, 2018, I was advised by BPA (b) (6), (b) (7)(C) that the subject had committed suicide at the Starr County Jail while in their custody.

RIGHT TO UNION REPRESENTATION

Under Article 31, Subsection b(3) of the Collective Bargaining Agreement between the National Border Patrol Council and the Immigration and Naturalization Service, you are provided with the following:

The Civil Service Reform Act give employees in units represented by an exclusive labor organization the right to have a union representative present at a meeting which involves an examination by a representative of the agency in connection with an investigation if the employee believes the examination may result in disciplinary action.

Section 7114(a)(2) of the Civil Service Reform Act of 1978 states:

(2) An exclusive representation of an appropriate unit in an agency shall be given the opportunity to be represented at:

B.) any examination of an employee in the unit by a representative of the agency in connection with an Investigation if

1.) if the employee reasonably believes that the examination may result in disciplinary action against the employee and,

2.) the employee requests representation.

(b) (6), (b) (7)(C)

Border Patrol Agent
McAllen, Texas
05/24/18

(b) (6), (b) (7)(C)

Supervisory Border Patrol Agent
McAllen, Texas
05/24/18

(b) (7)(E)



**U.S. Customs and
Border Protection**

May 25, 2018

MEMORANDUM FOR:

(b) (6), (b) (7)(C)

Chief Patrol Agent
Rio Grande Valley Sector

FROM:

(b) (6), (b) (7)(C)

Border Patrol Agent
Rio Grande City Station

SUBJECT:

Disruptive Subject
RE: Marco Antonio MUNOZ (A#215 710 327)

On Saturday May 12, 2018, I, Border Patrol Agent (BPA) (b) (6), (b) (7)(C), arrived at the processing area at the Rio Grande Valley Centralized Processing Center (RGV CPC) to begin working my assigned duty hours from 2:00 P.M. to 12:00 A.M. (Swing Shift). Upon arriving to my workstation adjacent to the Virtual Processing Team Leader's (VP TL) workstation, several Border Patrol Agents who had worked the Day shift had informed me that there was a disruptive subject by the name of MUNOZ, Marco Antonio (A#215 710 327) in Cell 15. The agents informed me that the reason MUNOZ was acting in such a disruptive manner was that he had been told that he would be separated from his wife and child, with whom he had arrived to the RGV CPC.

As I began to process MUNOZ's file at the beginning of shift, I noticed that MUNOZ was no longer in the cell but was sitting on the row of benches directly in front of Cell 15. The VP TL for that day, BPA (b) (6), (b) (7)(C) then asked me if I had let the subject out of his cell for processing. I replied that I had not let the subject out of his cell. Therefore, I concluded that sometime during the Day Shift end of shift cell count, the subject must have somehow purposely removed himself from the cell. Whether it was because the subject purposely prevented the cell door's locking mechanism from engaging that allowed him to leave the cell or by some other method is something that I do not know. As I started to process the subject, I began to ask the subject basic biographical questions and whether or not he wanted to retain any property. The subject was uncooperative to the majority of my questions and was returned to his cell.

As I was finishing the subject's file I heard a loud sound come from Cell 15. BPA (b) (6), (b) (7)(C) who was seated next to me, noticed that MUNOZ was kicking the door to Cell 15. BPA (b) (6), (b) (7)(C) opened the door to Cell 15 and instructed the subject to put his hands behind his back, to which the subject refused. I approached the subject and placed my hand on his back. The subject began to walk away from myself and BPA (b) (6), (b) (7)(C). Next, I grabbed the subject's right arm to attempt to place the subject in handcuffs. With the assistance of several other Border Patrol Agents and BPA (b) (6), (b) (7)(C) we forced the subject to the ground and placed the subject in handcuffs. I had no further contact with MUNOZ after the previous sequence of events.

RIGHT TO UNION REPRESENTATION

Under Article 31, Subsection b(3) of the Collective Bargaining Agreement between the National Border Patrol Council and the Immigration and Naturalization Service, you are provided with the following:

The Civil Service Reform Act give employees in units represented by an exclusive labor organization the right to have a union representative present at a meeting which involves an examination by a representative of the agency in connection with an investigation if the employee believes the examination may result in disciplinary action.

Section 7114(a)(2) of the Civil Service Reform Act of 1978 states:

(2) An exclusive representation of an appropriate unit in an agency shall be given the opportunity to be represented at:

- B.) any examination of an employee in the unit by a representative of the agency in connection with an Investigation if
 - 1.) if the employee reasonably believes that the examination may result in disciplinary action against the employee and,
 - 2.) the employee requests representation.

(b) (6), (b) (7)(C)

Border Patrol Agent
McAllen, Texas
05/13/2018

(b)(6);(b)(7)(C)

Supervisory Border Patrol Agent
McAllen, Texas
05/13/2018

(b) (7)(E)



**U.S. Customs and
Border Protection**

May 14, 2018

MEMORANDUM FOR: (b) (6), (b) (7)(C)
Chief Patrol Agent
Rio Grande Valley Sector

FROM: (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
Border Patrol Agent
McAllen Station

SUBJECT: Disruptive Subject
Re: Marco Antonio MUNOZ (A 215-710-327)

On May 12th, 2018, while assigned to the Central Processing Center (CPC) working as the Station Duty Officer (SDO) on swing shift (2:00 p.m. – 12:00 a.m.), it was brought to my attention that a subject (identified as MUNOZ, Marco Antonio, A 215 710 327) was being restrained for being non-complaint to Border Patrol Agent commands. As I approached the situation I saw that Agents had restrained the subject and had just finished applying handcuffs on him. I requested that the agents stand him up and place him in an area where he would be out of the sight of the other subjects in custody. I spoke to the subject and asked him what was going on that was causing him to act out the way he had, and he replied that he wanted to see his son and wife with whom he was traveling. I requested an agent to bring the subject's family to our location in order for him to briefly speak with them, in an attempt to calm him down. I explained to the subject and his family that we would be moving the subject to another facility due to his behavior in order for him to be better monitored. The subject was temporarily placed in a segregation cell on his own in order to coordinate transportation and space at a different location.

Approximately an hour or so later I was notified that the subject was acting up once again as he was kicking the cell door in an attempt to get the cell door open. I went and spoke to the subject again and asked him what was wrong to which he responded that he wanted to see his family again. I informed him that we had allowed him to speak to his family earlier and that at the time it wouldn't be feasible for us to do it again. The subject was restrained to a chair as we continued to locate a facility to house him. Once the word was given to us that we had found a location to send him, the subject was removed from the restraining chair and placed in shackles in order to be transported to the Starr County Jail. A short while later, after the subject had left the CPC, I received notification that the subject had attempted to kick open the door of the vehicle that he was being transported in. Shortly after, the subject was brought back to the CPC in order to get a different vehicle to be transported in. The subject was placed in a marked sedan and was taken to the Starr County Jail. That was the last I saw of the subject on our shift.

RIGHT TO UNION REPRESENTATION

Under Article 31, Subsection B (3) of the Collective Bargaining Agreement between the National Border Patrol Council and the Department of Homeland Security, Customs and Border Protection, United States Border Patrol, you are provided with the following information:

The Civil Service Reform Act gives employees in units represented by an exclusive labor organization the right to have a union representative present at a meeting, which involves an examination by a representative of the agency in connection with an investigation if the employee believes the examination may result in disciplinary action.

Section 7114(a)(2) of the Civil Service Reform Act of 1978 states:

“(2) An exclusive representative of an appropriate unit in an agency shall be given the opportunity to be represented at--

(B) Any examination of an employee in the unit by a representative of the agency in connection with an investigation if--

(i) The employee reasonably believes that the examination may result in disciplinary action against the employee, and--

(ii) The employee requests representation.

(b) (6), (b) (7)(C)

Border Patrol Agent
McAllen, Texas
05/14/2018

(b) (6), (b) (7)(C)

Supervisory Border Patrol Agent
McAllen, Texas
05/14/2018

(b) (7)(E)



**U.S. Customs and
Border Protection**

May 16, 2018

MEMORANDUM FOR:

(b)(6);(b)(7)(C)

Chief Patrol Agent
Rio Grande Valley Sector

FROM:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Border Patrol Agent
McAllen Station

SUBJECT:

Disruptive Subject

Re: Marco Antonio Munoz (A215 710 327)

On May 12, 2018, at approximately 7:10pm, while assigned line watch duties near Mission, Texas, I, Border Patrol Agent (BPA) (b)(6);(b)(7)(C), responded to a request for backup by Border Patrol Agents at the intersection of Business 83, and Inspiration Road. Upon arriving on scene, Mission Police Department had already assisted in the restraint of the subject, (MUNOZ, Marco Antonio, A 215 710 327). I was told by Supervisory Border Patrol Agent (SBPA), (b) (6), (b) (7)(C) to follow Border Patrol Agents (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) back to the Centralized Processing Center (CPC).

After arriving at CPC, I explained to MUNOZ that he would be taken to a temporary holding facility (Starr County Jail) and would soon be returned to the CPC for processing. In explaining this to MUNOZ, he appeared to calm down. At no time did the subject make any statements or appear to be suicidal. CPC Acting Watch Commander, (b) (6), (b) (7)(C) asked me to assist in transporting MUNOZ to Starr County Jail.

We moved MUNOZ from a four door pick-up truck to a sedan. Prior to departure, we checked the subject's shackles on his hands and feet which were connected to a leather belt around his waist. MUNOZ said he was fine and ready to go. We made sure that the subject was secured with seat belt fastened. We then transported the subject to Starr County Jail with only one incident. The subject unfastened his seat belt and attempted to force the door open about five minutes before arriving at Starr County Jail. I talked to the subject and calmed him down. I convinced him to put his seat belt back on and we arrived at Starr County Jail approximately five minutes later. We then turned him over to awaiting Starr County Jailers without further incident.

RIGHT TO UNION REPRESENTATION

Under Article 31, Subsection b(3) of the Collective Bargaining Agreement between the National Border Patrol Council and the Immigration and Naturalization Service, you are provided with the following:

The Civil Service Reform Act give employees in units represented by an exclusive labor organization the right to have a union representative present at a meeting which involves an examination by a representative of the agency in connection with an investigation if the employee believes the examination may result in disciplinary action.

Section 7114(a)(2) of the Civil Service Reform Act of 1978 states:

(2) An exclusive representation of an appropriate unit in an agency shall be given the opportunity to be represented at:

B.) any examination of an employee in the unit by a representative of the agency in connection with an Investigation if

1.) if the employee reasonably believes that the examination may result in disciplinary action against the employee and,

2.) the employee requests representation.

¹
(b) (6), (b) (7)(C)

Border Patrol Agent
McAllen, Texas
05/25/18

(b) (6), (b) (7)(C)

Supervisory Border Patrol Agent
McAllen, Texas
05/25/18

(b) (7)(E)



**U.S. Customs and
Border Protection**

May 15, 2018

MEMORANDUM FOR: (b) (6), (b) (7)(C)
Chief Patrol Agent
Rio Grande Valley Sector

FROM: (b) (6), (b) (7)(C)
Border Patrol Agent
McAllen Station

SUBJECT: Disruptive Subject
RE: Marco Antonio MUNOZ (215 710 327)

On May 12, 2018, I was assigned processing duties at the Centralized Processing Center (CPC) in McAllen, Texas, working swing shift from 2 p.m. to 12 a.m.. At approximately 5:30 p.m., while I was seated at my computer, I heard a commotion behind me in front of one of the cells used to house adult males. As I turned to see what was going on, I observed five or six Border Patrol Agents (BPA's) attempting to restrain a male subject. The BPA's subsequently took the subject to the floor.

Immediately, I left my work station and ran over to see if I could assist the agents. When I arrived the subject was already lying on his belly and the agents were applying handcuffs. I noticed the subject's legs were free so I controlled his feet so he could not stand back up or kick at the agents. When the subject was fully restrained and had stopped resisting, I assisted him to his feet and helped walk him over to an isolation cell next to the medical office. The subject was placed in the isolation cell and the handcuffs were removed. The subject did not appear to have any injuries. I returned to my workstation to continue my processing duties.

About twenty or thirty minutes later I was advised that the subject was still exhibiting disruptive and non-compliant behavior. I assisted other agents with placing the subject in the restraint chair. Specifically, I applied ankle and wrist restraints, as well as the belly chain to the subject and assisted seating him in the restraint chair. Meanwhile, management had arranged to have the subject transported and housed at the Starr County Detention Center while he awaited his court hearing.

At approximately 7:40 p.m., BPA (b) (6), (b) (7)(C), and BPA (b) (6), (b) (7)(C) arrived back at the CPC. They reported that they were transporting the subject to the Starr County Detention Center when the subject began using both legs to kick the rear door of the marked service unit open. The subject was reportedly still cuffed and shackled during transport.

At approximately 7:45 p.m., Supervisory Border Patrol Agent (SBPA) (b) (6), (b) (7)(C) came to me at my work station and asked if I would assist in transporting the subject to the Starr County Detention Center. He also briefed me on the subject's continued non-compliance. I reported to the sally port and spoke with BPA (b) (6), (b) (7)(C). I asked BPA (b) (6), (b) (7)(C) to speak to the subject and explain the process

Disruptive Subject

RE: Marco Antonio MUNOZ (215 710 327)

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to him to build rapport and calm the subject down. BPA (b) (6), (b) (7)(C) spoke to the subject for approximately fifteen to twenty minutes and it appeared the subject was calm. We decided to transport the subject in an Echo Unit (sedan) so he would not have an effective amount of space to position himself to kick the doors again. We made sure the subject appeared to be relaxed and compliant before leaving for the Starr County Detention Center. BPA (b) (6), (b) (7)(C) and BPA (b) (6), (b) (7)(C) drove the transporting Echo Unit with the subject seated in the rear with cuffs, shackles, and a belly chain. BPA (b) (6), (b) (7)(C) and I followed in a Kilo Unit to provide back-up if needed.

We arrived at the Starr County Detention Center without incident at approximately 9:35 p.m.. The subject was escorted into the detention center through the sally port and the detention officers accepted custody. The subject was compliant and the detention center staff removed all restraints and the subject walked into the holding cell unassisted. The subject did not claim or appear to have any injuries.

BPA (b) (6), (b) (7)(C) and I returned to the CPC. I reported in person to CPC management office. I advised Acting Watch Commander (b) (6), (b) (7)(C) and SBPA (b) (6), (b) (7)(C) that custody had been accepted by Starr County and that we had no further incident to report along the way.

SUBJECTS INFORMATION:

Name: Marco Antonio MUNOZ

DOB: 12/02/1978

COB: Honduras

A# 215 710 327

RIGHT TO UNION REPRESENTATION

Under Article 31, Subsection b(3) of the Collective Bargaining Agreement between the National Border Patrol Council and the Immigration and Naturalization Service, you are provided with the following:

The Civil Service Reform Act give employees in units represented by an exclusive labor organization the right to have a union representative present at a meeting which involves an examination by a representative of the agency in connection with an investigation if the employee believes the examination may result in disciplinary action.

Section 7114(a)(2) of the Civil Service Reform Act of 1978 states:

(2) An exclusive representation of an appropriate unit in an agency shall be given the opportunity to be represented at:

- B.) any examination of an employee in the unit by a representative of the agency in connection with an Investigation if
 - 1.) if the employee reasonably believes that the examination may result in disciplinary action against the employee and,
 - 2.) the employee requests representation.

(b) (6), (b) (7)(C)

Border Patrol Agent
McAllen, Texas
05/25/18

(b) (6), (b) (7)(C)

Supervisory Border Patrol Agent
McAllen, Texas
05/25/18

(b) (7)(E)



**U.S. Customs and
Border Protection**

June 19, 2018

MEMORANDUM FOR:

(b) (6), (b) (7)(C)

Chief Patrol Agent
Rio Grande Valley Sector

FROM:

(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

Border Patrol Agent
McAllen Station

SUBJECT:

May 12th, 2018 Incident

On Saturday, May 12, 2018, I was detailed to the Rio Grande Valley Processing Center and as per the G-481 daily, I was to report to the McAllen Border Patrol Station for the day for processing.

I at no time encountered the subject and I was completely unaware of the incident that day at the Rio Grande Valley Processing Center because I was not at the facility that day and was at the McAllen Border Patrol Station.

RIGHT TO UNION REPRESENTATION

Under Article 31, Subsection B (3) of the Collective Bargaining Agreement between the National Border Patrol Council and the Department of Homeland Security, Customs and Border Protection, United States Border Patrol, you are provided with the following information:

The Civil Service Reform Act gives employees in units represented by an exclusive labor organization the right to have a union representative present at a meeting, which involves an examination by a representative of the agency in connection with an investigation if the employee believes the examination may result in disciplinary action.

Section 7114(a)(2) of the Civil Service Reform Act of 1978 states:

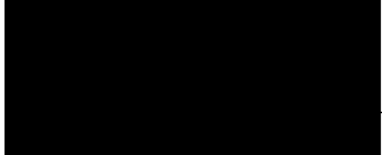
“(2) An exclusive representative of an appropriate unit in an agency shall be given the opportunity to be represented at--

(B) Any examination of an employee in the unit by a representative of the agency in connection with an investigation if--

(i) The employee reasonably believes that the examination may result in disciplinary action against the employee, and--

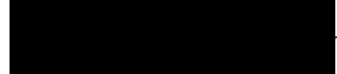
(ii) The employee requests representation.

(b) (6), (b) (7)(C)



Border Patrol Agent
McAllen, Texas
06/12/2018

(b) (6), (b) (7)(C)



Supervisory Border Patrol Agent
McAllen, Texas
06/12/2018

(b) (7)(E)



**U.S. Customs and
Border Protection**

June 24, 2018

MEMORANDUM FOR: **(b) (6), (b) (7)(C)**
Chief Patrol Agent
Rio Grande Valley Sector

FROM: **(b) (6), (b) (7)(C)** **(b) (6), (b) (7)(C)**
Border Patrol Agent
Laredo North Station

SUBJECT: Disruptive Subject

On Saturday, May 12, 2018, I was conducting my assigned processing duties at the Centralized Processing Center (CPC) on swing shift from 2:00 p.m. to 12:00 a.m.

I reported to muster at 3700 W. Ursula Ave, McAllen, Texas, where the CPC is located. I then drove a marked unit to the McAllen Border Patrol Station where I was assigned to perform my processing duties from around 2:30 p.m. to 11:00 p.m. hours until the midnight shift relieved us. Shortly after 2300 hours, I returned to the CPC from the McAllen Border Patrol Station in order to conclude my shift and on that day, during my brief time at the CPC or the time spent at the McAllen Border Patrol Station, I did not witness any disruptive subjects.

Weingarten Rights

**Department of Homeland Security
U.S. Customs and Border Protection**

EMPLOYEE NOTIFICATION REGARDING UNION REPRESENTATION

Pursuant to 5 USC 7114(a)(2)(B), you have the right to be represented during the interview about to take place by a person designated by the exclusively recognized labor organization for the unit in which you work, if:

(a) you reasonably believe that the results of this interview may result in disciplinary action against you; and

(b) you request representation.

I acknowledge receipt of the aforementioned notification of my right to representation.

(b) (6), (b) (7)(C)

Signature of Employee

06/24/18

Date

(b) (7)(E)



**U.S. Customs and
Border Protection**

June 20, 2018

MEMORANDUM FOR:

(b) (6), (b) (7)(C)

Chief Patrol Agent
Rio Grande Valley Sector

FROM:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Border Patrol Agent
Weslaco Station

SUBJECT:

Disruptive Subject
Re: Mario Antonio MUNOZ (A215 710 327)

On Saturday, May 12, 2018, I, Border Patrol Agent (BPA) (b) (6), (b) (7)(C) was assigned Station Duty Officer (SDO) duties at the Rio Grande Valley Centralized Processing Center (RGV CPC) in McAllen, Texas. As part of my duties I have to control which individuals and property comes in and out of the 22K side; assign subjects who enter the facility to cells, check intake sheets or manifests to make sure all subjects, properties and files are accounted for; conduct cell counts during shift turnovers, and create and accepts manifests to and from other stations/facilities.

During shift turnover from day shift to swings shift, I noticed a subject being disruptive inside his assigned cell. This subject, later identified as Mario Antonio MUNOZ, was yelling from inside his cell at agents who were processing other subjects in front of his cell. When I approached, I asked him to calm down. I then preceded to pull everyone out of the cell and line them up on the wall to perform a roll-call for the cell for accountability purposes. This is a common procedure that is conducted at the beginning of every shift for accountability purposes before the oncoming shift takes over responsibility. The subject was the first one out of the cell, walked past where I asked them to line up, began to stare at agents, and refused to get back in line until my third command to do so. I then told all the subjects that after I called their name out to please enter the cell afterwards. The subject was the fourth or fifth name on my list and did not respond nor enter the cell when called. After everyone in line was accounted for, I had one individual left standing in front of me. I then asked the subject his name and after I found and checked Mario Antonio MUNOZ off my list, I asked him to enter the cell. The subject responded by telling me no and after I asked him two more times he finally complied with my command and went into the cell. After finishing roll-call for all the cells, I asked day shift if they had any issues and they said Mario Antonio MUNOZ was being disruption and riling up all the cells around his.

Later in my shift, I stepped out briefly and when I came back in, the subject was being restrained after kicking open his cell and refusing to go back inside. After agents regained control of the subject, BPA (b) (6), (b) (7)(C) brought over MUNOZ's wife and son to help ease the situation and calm the subject down. After about approximately 15 minutes together, the wife and son

Disruptive Subject

Re: Mario Antonio MUNOZ (A215 710 327)

Page 2

were returned to their cell together. We then decided to place the subject in an isolation cell by himself, while supervisors worked on finding a more secure facility to house Mario Antonio MUNOZ until he was due to go to court on Monday, May 14, 2018.

Approximately an hour later, I heard several loud bangs on the exit door to the sally port close by the isolation cell that the subject was in. Several other agents and I responded to the noise, which we found to be the subject trying to kick open the exit door. The subject was escorted back to the isolation cell and re-secured. About around that same time, our supervisor told us that Starr County Jail Corporal (CPL) (b) (6), (b) (7)(C) had approved the transfer of the subject to their facility until the subject was due to go to court.

The swing shift supervisors told BPAs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) that they were being re-assigned to transport the subject to Starr County Jail. BPA (b) (6), (b) (7)(C) and I worked together to produce a manifest to send Mario Antonio MUNOZ to Starr County Jail. The subject was placed in restraints and loaded into the back of a Border Patrol Unit for transportation.

Right To Union Representation

Under Article 31, Subsection b(3) of the Collective Bargaining Agreement between the National Border Patrol Council and the Immigration and Naturalization Service, you are provided with the following information:

The Civil Service Reform Act gives employees in units represented by an exclusive labor organization the right to have a Union Representative present at a meeting which involves an examination by a representative of the agency in connection with an investigation if the employee believes the examination may result in disciplinary action.

Section 7114(a)(2) of the Civil Service Reform Act of 1978 states:

"(2) An exclusive representation of an appropriate unit in an agency shall be given the opportunity to be represented at-

(B) any examination of an employee in the unit by a representative of the agency in connection with an investigation if-

(i) the employee reasonably believes that the examination may result in disciplinary action against the employee and

(ii) the employee requests representation

This is to acknowledge that _____ (b)(6);(b)(7)(C) _____ was advised as to his right to union representation.

(b) (6), (b) (7)(C)

Agent's Signature

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Supervisor's Signature

22-Jun-18

Date

22-Jun-18

Date

(b) (7)(E)



**U.S. Customs and
Border Protection**

June 12, 2018

MEMORANDUM FOR:

(b) (6), (b) (7)(C)

Chief Patrol Agent
Rio Grande Valley Sector

FROM:

(b) (6), (b) (7)(C)

Border Patrol Agent
McAllen Station

(b) (6), (b) (7)(C)

SUBJECT:

May 12, 2018 Incident

On June 12, 2018, I was instructed to write a memorandum in regards to what I witnessed on May 12, 2018.

On May 12, 2018, I was assigned to the Rio Grande Valley sector Centralized Processing Center to perform duties as Property Room Coordinator. I do not have any knowledge of any incidents occurred during my shift.

(b) (7)(E)



**U.S. Customs and
Border Protection**

June 12, 2018

MEMORANDUM FOR:

(b) (6), (b) (7)(C)

Chief Patrol Agent
Rio Grande Valley Sector

FROM:

(b) (6), (b) (7)(C)

Border Patrol Agent
McAllen Station

(b) (6), (b) (7)(C)

SUBJECT:

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On May 12, 2018, I was assigned to the Rio Grande Valley sector Centralized Processing Center to perform duties as Property Room Coordinator. I do not have any knowledge of any incidents occurred during my shift.

RIGHT TO UNION REPRESENTATION

Under Article 31, Subsection B (3) of the Collective Bargaining Agreement between the National Border Patrol Council and the Department of Homeland Security, Customs and Border Protection, United States Border Patrol, you are provided with the following information:

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(i) The employee reasonably believes that the examination may result in disciplinary action against the employee, and--

(ii) The employee requests representation.

(b) (6), (b) (7)(C)

Border Patrol Agent
McAllen, Texas
06/12/2018

(b) (6), (b) (7)(C)

Supervisory Border Patrol Agent
McAllen, Texas
06/12/2018

(b) (7)(E)



**U.S. Customs and
Border Protection**

June 12, 2018

MEMORANDUM FOR:

(b) (6), (b) (7)(C)

Chief Patrol Agent
Rio Grande Valley Sector

FROM:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Border Patrol Agent
McAllen Station

SUBJECT:

Incident that occurred on May 12, 2018

I was assigned to the Central Processing Center on May 12, 2018 assigned to swing shift. I had no interaction with the subject nor did I witness any incidents.

RIGHT TO UNION REPRESENTATION

Under Article 31, Subsection B (3) of the Collective Bargaining Agreement between the National Border Patrol Council and the Department of Homeland Security, Customs and Border Protection, United States Border Patrol, you are provided with the following information:

The Civil Service Reform Act gives employees in units represented by an exclusive labor organization the right to have a union representative present at a meeting, which involves an examination by a representative of the agency in connection with an investigation if the employee believes the examination may result in disciplinary action.

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(i) The employee reasonably believes that the examination may result in disciplinary action against the employee, and--

(ii) The employee requests representation.

(b) (6), (b) (7)(C)

Border Patrol Agent
McAllen, Texas
7/13/2018

(b) (6), (b) (7)(C)

Supervisory Border Patrol Agent
McAllen, Texas
7/13/2018

Office: McAllen Station Station

| Zone | Assignment | Fleet # | Star # | Agent Name | Shift | Time | Comments |
|-------------------------------------|------------|---------|--------|------------|-------|------|----------|
| (b) (7)(E), (b)(6);(b)(7)(C) | | | | | | | |

Sensitive But Unclassified

Office: Rio Grande Valley Sector

| Zone | Assignment | Fleet # | Star # | Agent Name | Shift | Time | Comments |
|-------------------------------------|------------|---------|--------|------------|-------|------|----------|
| (b) (7)(E), (b)(6);(b)(7)(C) | | | | | | | |

Sensitive But Unclassified

**U.S. DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection
SIGNIFICANT INCIDENT REPORT**

| | | | |
|---------------------------------------|---|--------------------------------------|--|
| RESTRICTIONS: - Employee Issue | | | |
| 1. | DATE OF INCIDENT: 5/13/2018 | | LOCATION OF INCIDENT: Rio Grande City, TX |
| | TIME OF INCIDENT: 11:50 AM | | |
| | REPORTED TO COMMISSIONER'S SITUATION ROOM VIA PHONE ON: DATE: 5/13/2018 TIME: 1:40 PM TO: (b)(6);(b)(7)(C) | | |
| 2. | REPORTING OFFICE: U.S. Border Patrol | | DFO/SECTOR: Rio Grande Valley Sector |
| | POE/STATION: Weslaco Station | | |
| | PERSON MAKING REPORT: (b)(6);(b)(7)(C) | | |
| | OFFICE PHONE: (b)(6);(b)(7)(C) ext. | CELL PHONE: | FAX NUMBER: |
| | POINT OF CONTACT: (b)(6);(b)(7)(C) | | |
| | OFFICE PHONE: (b)(6);(b)(7)(C) ext. | CELL PHONE: (b)(6);(b)(7)(C) | FAX NUMBER: |
| | POINT OF CONTACT: (b)(6);(b)(7)(C) | | |
| | OFFICE PHONE: (b)(6);(b)(7)(C) ext. | CELL PHONE: | FAX NUMBER: |
| 3. | TYPE OF INCIDENT: <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY | | |
| | Category | Type | Sub Type |
| | Non-Employee Death | In Custody | |
| | | | |
| 4. | SYNOPSIS: (USE CONTINUATION SHEET IF NECESSARY): See Attached Continuation | | |
| | SEIZURE TYPE: | QUANTITY: | VALUE: |
| | NUMBER OF ARRESTS: | MALE: | FEMALE: |
| 5. | NOTIFICATIONS MADE: | | |
| | 1. <input checked="" type="checkbox"/> TELEPHONIC REPORT TO COMMISSIONER'S SITUATION ROOM | (b)(7)(E) | 5/13/2018 1:40 PM |
| | 2. | Email Sent: <input type="checkbox"/> | |
| | 3. | Email Sent: <input type="checkbox"/> | |
| 6. | INJURIES/FATALITIES: | | |
| | NAME AND EXTENT OF INJURY | | EAP ADVISED |
| | 1. | | |
| | 2. | | |
| | NAME OF FATALITIES: | | |
| | 1. | | |
| 2. | | | |
| 7. | NATIONAL TARGETING CENTER NUMBERS: | | |
| 8. | MEDIA INTEREST EXPECTED: | | |
| 9. | RELATED INCIDENTS: | | |

U.S. DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection
SIGNIFICANT INCIDENT REPORT
 Continuation Sheet

| | | |
|------------------------------------|---|----------------------------------|
| DATE OF INCIDENT: 5/13/2018 | LOCATION OF INCIDENT: Rio Grande City, TX | SIR NUMBER: (b) (7)(E) |
| TIME OF INCIDENT: 11:50 AM | | |

Synopsis:**SITUATION:**

On May 11, 2018 at approximately 2:30 p.m., agents assigned to the Weslaco, Texas Border Patrol Station apprehended an adult male Honduran national near Hidalgo, Texas and transported to the Rio Grande Valley Centralized Processing Center (RGV CPC) for processing. On May 12, 2018, at approximately 1905 hrs., BPA (b) (6), (b) (7)(C) and BPA (b) (6), (b) (7)(C) assigned to the RGV CPC, were transporting a subject from the RGV CPC to the Starr County Jail. Subject is set up to appear in court on Monday, May 14, 2018. The subject was creating havoc, and kicking the cell doors while at the CPC. Due to no available space at the Hidalgo County Jail, space was requested and was granted at the Starr County Jail. Agents transporting the subject reported that during transport, while handcuffed and shackled, the subject was kicking the windows of the patrol unit. The agents had to stop on the side of the road and agents requested assistance over the radio. Mission PD assisted the agents in securing the subject. SBPA (b) (6), (b) (7)(C) responded to the call for assistance. The agents will be escorted back to the CPC. Another two men unit is being assigned to follow them to the Starr County Jail. SBPA (b) (6), (b) (7)(C) is coordinating with (A)WC (b) (6), (b) (7)(C) from MCS to assist us with the transfer and transport.

On May 13, 2018 CPC management received a call from Corporal (b) (6), (b) (7)(C) from the Starr County Jail stating that the detainee Munoz had been found unconscious and had passed away. At this time the cause of death is still unknown, investigation is still ongoing by the Texas Rangers. Subject was found unconscious by County Jail employees with a sweater wrapped around his neck. Subject was traveling with his wife and child and were separated due to zero tolerance initiative. Subject was process as an ER prosecution and was scheduled appear in Court on Monday morning.

SUBJECTS INFORMATION:

Name: Marco Antonio MUNOZ

DOB: 12/02/1978

COB: Honduras




A# 215 710 327

Disposition: ER

(b) (7)(E)

NOTIFICATIONS:

(b) (7)(E)

| | | | |
|---|--|--|-------------------------------------|
| Family Name (CAPS) MUNOZ, MARCO ANTONIO | | First | Middle |
| Country of Citizenship HONDURAS | Passport Number and Country of Issue | File Number CASE No: (b) (7)(E) A215 710 327 | |
| U.S. Address See Narrative | | | |
| Date, Place, Time, and Manner of Last Entry 05/11/2018, 1400, 4 mile(s) E of HID, PWAM (BY RAFT) | | Passenger Boarded at | |
| Number, Street, City, Province (State) and Country of Permanent Residence SAN PEDRO SULA, CORTES, HONDURAS | | | |
| Date of Birth 12/02/1978 | Age: 39 | Date of Action 05/12/2018 | Location Code RGV/WSL |
| City, Province (State) and Country of Birth SAN PEDRO SULA, CORTES, HONDURAS | AR <input checked="" type="checkbox"/> | Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/> | |
| NIV Issuing Post and NIV Number | Social Security Account Name | | |
| Date Visa Issued | Social Security Number | | |
| Immigration Record NEGATIVE | | Criminal Record None Known | |
| Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) | | Number and Nationality of Minor Children 1 - HONDURAS | |
| Father's Name, Nationality, and Address, if Known See Narrative | | Mother's Present and Maiden Names, Nationality, and Address, if Known See Narrative | |
| Monies Due/Property in U.S. Not in Immediate Possession None Claimed | Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Systems Checks | Charge Code Words(s) I7A1 |
| Name and Address of (Last)(Current) U.S. Employer | Type of Employment | Salary | Employed from/to Hr |
| Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) FINS #:1252630108 I77 #:NONE | | | |
|  | | | |
|  | | | |
|  | | | |
| ARREST COORDINATES: Latitude: (b) (7)(E) Longitude: (b) (7)(E) | | | |
| CONSEQUENCE DELIVERY SYSTEM: Classification: (b) (7)(E) | | | |
| Alien has been advised of communication privileges | | (Date/Initials) (b) (6), (b) (7)(C) BORDER PATROL AGENT | |
| Distribution: TO FILE RGV/CPC STATS | | Received: (Subject and Documents) (Report of Interview) Officer: (b) (6), (b) (7)(C) on: May 12, 2018 at 1522 (time) Disposition: Expedited Removal (I-860) Examining Officer: (b) (6), (b) (7)(C) | |

| | | |
|---|---|--------------------|
| Alien's Name MUNOZ, MARCO ANTONIO | File Number A215 710 327 Event No: (b) (7)(E) | Date 05/12/2018 |
| Program: (b) (7)(E) | | |
| US ADDRESS: ----- PORT ISABEL DETENTION CENTER 27991 BUENA VISTA BLVD LOS FRESNOS, TEXAS, 78566 | | |
| FATHER NAME AND ADDRESS: ----- Nationality: (b)(6);(b)(7)(C) (b) (6), (b) (7)(C) | | |
| MOTHER NAME AND ADDRESS: ----- Nationality: (b)(6);(b)(7)(C) (b) (6), (b) (7)(C) | | |
| NARRATIVE: ----- ENCOUNTER/ALIENAGE: Subject MUNOZ, Marco Antonio (A#215 710 327) was encountered by McAllen, Texas Border Patrol Agent (b) (6), (b) (7)(C) on May 11, 2018 near Hidalgo, Texas. Upon questioning subject about his immigration status, the subject stated to being a citizen of Honduras and to not being in possession of any immigration documents allowing him to be or remain in the United States. Subject was placed under arrest and transported to the Centralized Processing Center in McAllen, Texas. | | |
| MIRANDA WARNING: At Rio Grande Valley Centralized Processing Center in McAllen, Texas, the subject was advised of his rights as per I-214, (Miranda Warning), in the Spanish language by BPA (b) (6), (b) (7)(C) and witnessed by BPA (b) (6), (b) (7)(C). Subject also read the form in the Spanish language. The subject signed that he understood his rights but stated that he was not willing to provide a sworn statement at this time. | | |
| ADVISEMENT OF I-867A/B: At the McAllen, Texas, Border Patrol Station the subject was advised of his rights as per Official CBP form I-867A/B in the Spanish language. The subject also read the form in the Spanish language. The subject signed that he understood his rights and that he was willing to answer these questions. | | |
| Subject was apprehended within 14 days of entry and within 100 air miles of the border. | | |
| Signature (b) (6), (b) (7)(C) | Title BORDER PATROL AGENT | |

| | | | | |
|--|---|--------------------|----------------------------------|------------------------------|
| Alien's Name MUNOZ, MARCO ANTONIO | File Number A215 710 327 Event No. (b) (7)(E) | Date 05/12/2018 | | |
| <p>ENTRY/INADMISSIBILITY:</p> <p>Records allege that the subject last entered the United States illegally by rafting across the Rio Grande River from Mexico into the U.S. approximately 4 miles east of the Hidalgo, Texas Port of Entry on May 11, 2018 at approximately 1400 hours. Therefore, subject entered the United States at a place not designated as a port of entry by the Attorney General of the United States and or the Secretary of Homeland Security, the successor, thus he was not admitted, inspected, or paroled into the United States by a U.S. Immigration Official.</p> <p>Subject is inadmissible pursuant to section 212 (a) (7) (A) (i) (I) of the Immigration and Nationality Act as amended, therefore he is subject to removal and will be processed for an Expedited Removal under the provision of section 235 (b) (1) of the Immigration and Nationality Act.</p> <p>Subject is an immigrant not in possession of a valid un-expired immigrant visa, reentry permit, border-crossing card, or other valid entry document required by the Immigration and Nationality Act. Forms I-860 and I-296 were prepared and served on the subject.</p> <p>MOTIVATION:</p> <p>Subject states he was traveling to the United States in order to reside and seek employment in Houston, Texas.</p> <p>IMMIGRATION HISTORY:</p> <p>None.</p> <p>Subject was assigned (A#215 710 327).</p> <p>CRIMINAL HISTORY:</p> <p>None.</p> <p>HEALTH CONDITION:</p> <p>Subject claims to be in good health and is not taking medication. Subject did not request any medical attention.</p> <p>TRAVEL DATA:</p> <p>Subject claims he spent roughly one month traveling from Honduras through Central America via bus, arriving at the U.S./Mexico Border on or around May 5, 2018. Subject claims that he waited there for approximately 6 days until he was rafted across the Rio Grande River near Hidalgo, Texas.</p> <p>(b) (7)(E)</p> <p>CREDIBLE FEAR STATEMENT:</p> <p>Subject was questioned using CBP form I-867B (Record of Sworn Statement) as to his fear of being returned to his country. Subject made a statement that he did not fear return to his</p> <table border="1"><tr><td>Signature (b) (6), (b) (7)(C)</td><td>Title BORDER PATROL AGENT</td></tr></table> | | | Signature (b) (6), (b) (7)(C) | Title BORDER PATROL AGENT |
| Signature (b) (6), (b) (7)(C) | Title BORDER PATROL AGENT | | | |

| | | |
|---|--|--------------------|
| Alien's Name MUNOZ, MARCO ANTONIO | File Number A215 710 327 Event No (b) (7)(E) | Date 05/12/2018 |
| country. | | |
| <p>CONSULATE RIGHTS/NOTIFICATION: Subject was notified of his rights, as a non-US citizen to have a consular representative of his country notified of his arrest. I asked the subject if he wanted his consulate notified at this time. Subject told me he did not want his consulate notified and indicated this on the Consular Notification form. The signed consular notification form was placed in A-File to document subject's response.</p> <p>DISPOSITION: Subject was processed for 8 USC 1182 (Expedited Removal) and 8 USC 1325A1 (Entry Without Inspection) and will appear before the Magistrate Court Judge. Subject was advised that he may not return to the United States for a period of 5 years, and if he does, he will be subject to a Re-instatement of a Prior Order of Removal. Subject will be held at the Rio Grande Valley Centralized Processing Center in McAllen, Texas pending his appearance before a Magistrate.</p> <p>NOTE: Subject has no property amenable to I-43.</p> <p>NOTE: Subject arrived in the United States with who he claims is his wife (b) (6), (b) (7)(C) and child (b) (6), (b) (7)(C). Subject's wife and child will be processed accordingly as a family unit.</p> <p>Note: While awaiting an appearance before a Magistrate Court Judge, subject was found deceased in Starr County jail.</p> | | |
| Signature (b) (6), (b) (7)(C) | Title BORDER PATROL AGENT | |